

NOELIA AVILES : 14TH JUDICIAL DISTRICT COURT
vs. NO. 2020-4062F : PARISH OF CALCASIEU
WAL-MART LOUISIANA, LLC : STATE OF LOUISIANA
FILED: NOV 24 2020 : St. Kacy Miller
DEPUTY CLERK OF COURT

PETITION FOR DAMAGES

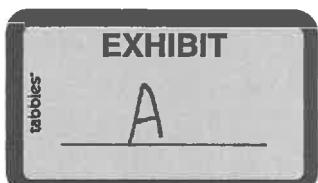
The petition of **NOELIA AVILES**, an individual of the full age of majority and resident of the State of Florida, hereinafter sometimes referred to as Petitioner, with respect represents that:

1.

WAL-MART LOUISIANA, LLC, a foreign limited liability company authorized to do and doing business in the State of Louisiana, which may be served through its registered agent for service of process, CT Corporation System, 3867 Plaza Tower Drive, Baton Rouge, Louisiana, 70816, is made defendant herein and is justly and truly indebted unto your Petitioner for such damages as are reasonable in the premises, which damages exceed Fifty Thousand and 00/100 Dollars and the amount necessary to establish jurisdiction of federal courts, together with legal interest thereon from date of judicial demand until paid and for all costs of these proceedings, for the following reasons, to-wit:

2.

On or about July 19, 2020, Petitioner was a patron at Wal-Mart store #1204 located at 3451 Nelson Road, Lake Charles, Calcasieu Parish, Louisiana, which store is owned by, operated by, and within the exclusive control of defendant, **WAL-MART LOUISIANA, LLC**, while in the process of entering the store through steel barricade used to control the flow of patron traffic, she tripped and fell on a leg of one of the barricades, which leg was defective and protruding outward instead of downward and was not readily apparent nor open and obvious to the public due to its location, causing Petitioner to fall resulting in serious injuries requiring medical attention.



SERVICE

3.

The sole and proximate cause of the afore described incident was the negligence of **WAL-MART LOUISIANA, LLC**, in the following particulars, not to be exclusive:

- a. Failure to protect its patrons from a known hazardous condition;
- b. Allowing the existence of a hazardous condition in the area of the traversing public;
- c. Failure to repair a defective condition;
- d. Knowing or should have known of the existence of a hazardous and dangerous defective condition; and
- e. Failure to warn.

4.

As a result of the collision described hereinabove, **NOELIA AVILES** sustained severe injuries, including but not limited to her right and left arms and hands requiring multiple surgeries, along with bruises and contusions, and severe nervous shock, and had to seek extensive medical attention and was unable to engage her regular activities from the date of this incident until the present time, such condition to continue for an indefinite future period of time, and as a result of said incident, she is entitled to recover damages for the following items:

- a. Past and future medical and attendant expenses;
- b. Past and future physical and mental pain and suffering, discomfort, anxiety, distress, disfigurement, and inconvenience;
- d. Past and future disability;
- e. Past and future loss of enjoyment and quality of life.

THEREFORE, PETITIONER, NOELIA AVILES, PRAYS THAT:

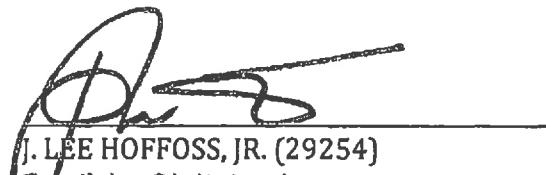
- I. Defendant be duly cited to appear and answer this Petition, and it be served with a copy thereof; and
- II. After due proceedings had and the lapse of all legal delays, there be judgment in favor of Petitioner, **NOELIA AVILES**, and against Defendant, **WAL-MART LOUISIANA**,

LLC, for such damages as are reasonable in the premises, which damages exceed Fifty Thousand and 00/100 Dollars and the amount necessary to establish jurisdiction of federal courts, together with legal interest thereon from date of judicial demand until paid, and for all costs of these proceedings.

PETITIONER FURTHER PRAYS for all orders and decrees necessary in the premises, and for full, just and equitable relief.

Respectfully submitted:

HOFFOSS DEVALL, LLC



J. LEE HOFFOSS, JR. (29254)
Email: lee@hdinjurylaw.com
317 West College Street
Lake Charles, Louisiana 70605
Telephone: (337) 433-2053
Facsimile: (337) 433-2055
ATTORNEY FOR PETITIONER, NOELIA AVILES

PLEASE SERVE:

WAL-MART LOUISIANA, LLC,
through its registered agent for service of process,
CT Corporation System
3867 Plaza Tower Drive
Baton Rouge, LA 70816

A TRUE COPY
Lake Charles, Louisiana

Shelly Hardy
Deputy Clerk of Court
Calcasieu Parish, Louisiana
DEC 16 2020

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FILED: 11-24-2020 : S1 Katy Miller
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**REQUEST FOR WRITTEN NOTICE OF ANY ASSIGNMENT AND WRITTEN NOTICE OF
ANY ORDER OR JUDGMENT MADE OR RENDERED**

In accordance with the provisions of Articles 1571 and 1572 of the Louisiana Code of Civil Procedure, you are hereby requested to send to us, as counsel of record for Petitioner, NOELIA AVILES, written notice by mail, at least ten (10) days in advance of any date fixed for any trial or hearing on this case, whether on exception, rules, or on the merits thereof, or any assignment of fixing of said case.

And in accordance with the provisions of Articles 1913 and 1914 of the Louisiana Code of Civil Procedure, you are hereby also requested to send to us immediately notice of any order or judgment made or rendered in this case, upon the entry of such order or judgment. This request for notice is made with full reservation of all rights, and we thank you for your customary courtesy and cooperation.

Respectfully submitted:

HOFFOSS DEVALL, LLC



Lee Hoffoss, Jr. (29254)
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517 West College Street
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